

III. REMARKS

Claims 1, 5-6, 8-10, 14-17 and 20-23 remain pending in this application. Claims 1, 8, 9, 16 and 17 have been amended, while claim 4 has been cancelled. Claims 21-23 have been added. Support for these amendments and new claims may be found in Applicants' original specification, for example, at paragraphs 21-22. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 9, 14-17 and 20 are rejected under 35 U.S.C. § 102(c) as allegedly being anticipated by Kircher, Jr. et al. (US 2003/0195937), hereinafter "Kircher." Claims 1, 4-6, 8 and 10 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kircher in view of Shimura et al. (US 2004/0105689), hereinafter "Shimura." Applicants respectfully request withdrawal of the rejections.

Applicants would like to thank Examiner Jonathan Beckley and his Supervisor for their time and consideration during the telephone interview of 27 August 2009. During that interview, Applicants' representative (Matthew Pinckney) and Examiner Beckley discussed proposed claim amendments in light of Kircher. While an agreement about specific claim language was not reached, Examiner Beckley did point out that further clarification of claim features may help overcome Kircher. The amendments contained herein are directed at clarifying those features.

Turning to claim 1, Applicants respectfully submit that Kircher and Shimura, taken alone or in combination, fail to teach or suggest, "... wherein the junk fax image includes at least a portion of an analyzed facsimile image...likely to appear in another incoming facsimile image,

and wherein the comparing includes using at least one of optical character recognition or magnetic character recognition to determine whether the junk fax image matches at least a portion of the incoming facsimile image...” As discussed during the above-referenced interview, Kircher discloses a method of searching a message body for “good” and “bad” keywords. (Kircher at FIG. 7 and accompanying description). However, Kircher does not teach or suggest using the comparing of claim 1, nor does it disclose that “a portion of [the junk fax image is] likely to appear in another incoming facsimile image.” (Claim 1). Further, Shimura fails to overcome the deficiencies of Kircher. As such, Applicants respectfully submit that Kircher and/or Shimura fail to teach or suggest each and every feature of claim 1.

With respect to claim 9, Applicants submit that Kircher fails to disclose “[a] facsimile system...” that includes all the features claimed therein. For example, for reasons stated in the discussion of Kircher above, Applicants submit that Kircher fails to teach or suggest the system of claim 9, including “... wherein the junk fax image includes at least a portion of an analyzed facsimile image...likely to appear in another incoming facsimile image, and wherein the comparing includes using at least one of optical character recognition or magnetic character recognition to determine whether the junk fax image matches at least a portion of the incoming facsimile image...” As a result, Applicants respectfully request withdrawal of the rejections of claim 9 as allegedly being anticipated by Kircher.

With respect to claim 17, Applicants submit that Kircher fails to disclose “[a] computer program product...” that includes all the features claimed therein. For example, for reasons stated in the discussion of Kircher above, Applicants submit that Kircher fails to teach or suggest the program product of claim 17, including “... wherein the junk fax image includes at least a portion of an analyzed facsimile image...likely to appear in another incoming facsimile image,

and wherein the comparing includes using at least one of optical character recognition or magnetic character recognition to determine whether the junk fax image matches at least a portion of the incoming facsimile image...” As a result, Applicants respectfully request withdrawal of the rejections of claim 17 as allegedly being anticipated by Kircher.

The dependent claims are believed allowable for the reasons stated above, as well as for their own additional unique features.

Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Examiner’s interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Examiner’s analysis, combinations, and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Examiner’s combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants’ undersigned representative at the number listed below.

Respectfully submitted,

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